

**Town of Needham
Board of Selectmen
Minutes for September 21, 2015
Selectmen's Chamber
Needham Town Hall**

6:45 p.m. Informal Meeting with Citizens:
Bryan Anderson, David Bailit, Sam Morris-Kliment, and Keaton Sabin who are Needham residents and 7th grade students at Roxbury Latin School spoke with the Board about local government and observed the Selectmen's meeting as part of their civics class.

7:00 p.m. Call to Order:
A meeting of the Board of Selectmen was convened by Chairman Maurice P. Handel. Those present were Matthew D. Borrelli, Marianne B. Cooley, Daniel P. Matthews, John A. Bulian, Town Manager Kate Fitzpatrick, and Recording Secretary Mary Hunt.

7:00 p.m. Proclamation - Don Brock Day in Needham:
Mr. Matthews read a proclamation recognizing Saturday, October 10, 2015 as Don Brock Day in the Town of Needham.

**Motion by Mr. Matthews that the Board of Selectmen vote to approve and sign the Proclamation recognizing Saturday, October 10, 2015, as DON BROCK DAY in the Town of Needham and express our appreciation and warmest congratulations to Don Brock on his lifetime of achievement and service to the students and families of the Town of Needham.
Second: Mr. Borrelli. Unanimously approved 5-0.**

7:04 p.m. Appointments and Consent Agenda:
Motion by Mr. Bulian that the Board of Selectmen vote to approve the Appointments and Consent Agenda as presented.

APPOINTMENTS: There were no Appointments at this meeting.

CONSENT AGENDA *=Backup attached

- 1. Accept a \$1000.00 donation made to the Needham Health Department's Substance Abuse Education & Prevention's 5th Quarter Program from Needham High School- PTC Trust.**
- 2.* Approve a Special One Day Wines & Malt Beverages Only license from Karen Calton and Jennifer Mingoelli of St. Joseph's School to host its Oktoberfest event on Saturday, October 24, 2015 from 6:00 p.m. to 10:00 p.m. The event will be held at St. Joseph's School, 110 May Street, Needham.**
- 3.* Approve road race event form from Christopher George of the Sean Biggs Memorial Foundation, to hold its 5K race in Needham on November 15, 2015**

from 6:00 a.m. to 12:30 p.m. The race application has been approved by the following departments: DPW, Police, Fire, and Park and Recreation.

- 4.* Approve a One Day Special All Alcoholic Beverages License for James Walsh of St. Sebastian's School to host its Alumni Dinner on Thursday, October 15, 2015 from 6:00 p.m. to 10:00 p.m. Event is to be held in Ward Hall at St. Sebastian's School, 1191 Greendale Avenue, Needham.
5. Accept a donation of a 250th Anniversary Town of Needham plate with stand, and a postcard of Needham High School from 1961 from Sally Green, a resident of Medfield.
- 6.* Approve Minutes of September 8, 2015 open and executive session.
- 7.* Water & Sewer Abatement Order #1204
- 8.* Approve banner approval request from the Needham Community Revitalization Trust Fund for Rotary Club Banners to be hung in the Chapel Street Banner Showcase Display program.
- 9.* Approve a request from the Needham Running Club to hold its annual road race on Friday, January 1, 2016 from 9:00 a.m. to 1:00 p.m. The race application has been approved by the following departments: DPW, Police, Fire and Park and Recreation.

10. Grant Permission for the following residents to hold a block party:

Name	Address	Party Location	Party Date	Party Rain Date	Party Time
Heidi Wiesel	46 Ware Road	Ware Road	R-9/19/15	N/A	3pm-9pm
Liz Lawlor	76 Howland Street	Pleasant Street	R-9/19/15	N/A	4pm-7:30pm
Jill Oetheimer	75 Coolidge Ave	Coolidge Ave	R-9/20/15	10/4/15	4:30pm-7:30pm
James Rochford	74 Rolling Lane	Rolling Lane	R-9/19/15	9/26/15	12:30pm-5pm
Jill Cotter	15 Holland Street	Holland Street	9/25/15	10/4/15	5pm-7:30pm
Liz Berkman	113 Melrose Ave	Hatfield Park	9/26/15	N/A	3pm-6pm
Kristen Young	130 Hoover Road	Hoover Road	9/27/15	10/4/15	4pm-8pm
Maureen Rossi	65 Douglas Road	Douglas Road	R-9/29/15	9/30/15	5pm-7pm
Kelly Allen	103 Sylvan Road	Sylvan Rd to Harding Rd Overlook	10/4/15	N/A	12pm-5pm

Second: Mr. Borrelli. Unanimously approved 5-0.

7:05 p.m.

New England Wellspring - Marijuana Dispensary:

Jill Schafer, Attorney and Olof Ingare, New England Wellspring, appeared before the Board requesting that the Board of Selectmen provide a letter of local support or non-opposition to New England Wellspring's 2013 application for a license to operate a Registered Marijuana Dispensary in the Town of Needham. This request is based on the Judgment in the matter of New England Wellspring vs. Massachusetts Department of Public Health issued by the Suffolk Superior Court on

August 20, 2015 and a letter to New England Wellspring from Bryan Harter, Director, Medical Use of Marijuana Program, Massachusetts DPH, dated September 8, 2015.

Ms. Schafer said the court remanded the case back to the DPH in light of changes to the process for further review of the application. She stated the regulations and licensure of an RMD remain the same, however the process has changed. She said New England Wellspring met all of the criteria Needham specified in its letter of no action. She said the DPH is requesting a letter of local support or non-opposition for the site proposed in New England Wellspring's application. She said however, circumstances have changed as New England Wellspring may not locate in Needham, but that New England Wellspring has local support from another community. She asked for a letter from the Board of Selectmen and said New England Wellspring will agree with the Board that if New England Wellspring should locate in Needham it would agree to comply with the Town's 2015 new process.

Mr. Handel asked Ms. Schafer what change in circumstance would lead the Board of Selectmen to a different conclusion than in 2013?

Ms. Schafer said New England Wellspring did not have the opportunity in the spring of 2014 to request a letter as the DPH was tardy in responding to the Town.

Mr. Bulian referred to Bryan Harter's letter of September 8, 2015 to New England Wellspring clarifying New England Wellspring needs a letter from the Board of Selectmen in order to proceed.

Ms. Schafer said it was important, but not required based on the 2013 process. She said a letter is now required under the new regulations.

Mr. Borrelli said he has no interest in supplying a letter that has nothing to do with the Town of Needham to add to an application for another community. He said it makes no sense. He said Needham voted on a policy a month ago as to the process, and he sees no reason why to usurp the process.

Ms. Cooley agreed with Mr. Borrelli, and said she is puzzled with a verbal promise from New England Wellspring to comply with 2015 process. She said she would have thought New England Wellspring would have written a letter to the Board of Selectmen in advance of the meeting.

Mr. Matthews said he does not read the correspondence from the DPH the same way as Ms. Schafer. He clarified the DPH has invited New England Wellspring to ask the Board of Selectmen for a letter of support or non-opposition, which he said would benefit New England Wellspring's application. He commented New England Wellspring appeared before the Board of Selectmen two years ago with an opportunity to put its best foot forward. He said the Board reviewed the materials

carefully and decided to take no action. He said that, at this point, he sees no reason to revisit the action of the Board.

Motion by Mr. Matthews that the Board of Selectmen vote to deny the request of New England Wellspring, Inc. for a letter of local support or non-opposition, and that the Massachusetts Department of Public Health be notified of this action.

Second: Mr. Borrelli. Unanimously approved 5-0.

Mr. Bulian asked for comment from Mr. Ingare, New England Wellspring.

Mr. Ingare said it's a complicated process and that New England Wellspring is stuck in the 2013 process with its application. He said New England Wellspring would like to work with the Town of Needham and participate in the next process the Board agrees upon.

7:25 p.m. Public Facilities Summer Activities Update:
Chip Laffey, Director of Facility Operations appeared before the Board with an update on the activities performed by the Public Facilities/Operations Department during the summer 2015.

Ms. Fitzpatrick noted that each year, before the start of school, she, Dan Gutekanst, Schools Superintendent, and Chip Laffey inspect all the schools. Ms. Fitzpatrick said she was taken by the amount of work done over the summer and asked Mr. Laffey to update the Board.

Mr. Laffey commented on the productive summer his department had regarding school building maintenance. He listed many projects, as noted in his memo dated September 14, 2015 to the Board of Selectmen, including painting at the Mitchell School, duct cleaning at Broadmeadow, Pollard, and Fire Station #2, removal and replacement of a combustion chamber at Broadmeadow, reconfiguring classrooms at the High School, asbestos abatement at Pollard, removal and replacement of lockers at Pollard. He also commented on energy efforts including replacement of lighting to LED lighting at several schools.

The Board thanked Mr. Laffey for his work.

7:30 p.m. Director of Public Works:
Richard P. Merson, DPW Director appeared before the Board with two items to discuss:

1. Sign Notice of Traffic Regulation - Winfield Street, Ware Road, and Abbott Street
Mr. Merson said a request was received by the Traffic Management Advisory Committee from the residents of the Abbott Street, Winfield Street, and Ware Road area asking that Winfield Street and Ware Road be designated stopped streets at the intersection of Abbott Street. Mr. Merson said the TMAC recommended that

Winfield Street and Ware Road be designated stopped streets at the intersection of Abbott Street.

Motion by Mr. Bulian that the Board vote to approve and sign the Notice of Traffic Regulation Permit #SS15-09-21 requiring that Winfield Street eastbound and Ware Road westbound be designated stopped streets at the intersection of Abbott Street.

Second: Ms. Cooley. Unanimously approved 5-0.

2. Notice of Traffic Regulation - All Night Parking & Parking Committee

Mr. Merson said the process of seeking waivers, where allowed, from the No All Night Parking Regulation was last amended in September 2003. During the period since then the waiver process has been managed in several fashions. He said several years ago this procedure was reviewed and a new amendment was drafted but not enacted. He said requests are currently being addressed by the Traffic Management Advisory Committee (TMAC) with input from the Police Dept. Upon review of this process and the intended purpose, it was determined the procedure should be a function of the "Parking Committee". The proposed Notice of Traffic Regulation would address this.

Mr. Merson also noted that the regulation establishing the "Traffic Committee" should be renamed the "Parking Committee. The 2nd Notice of Traffic Regulation would address this.

Lastly, Mr. Merson said the Parking Committee Guidelines for the Annual Waiver of Overnight Parking Ban have been updated to include the annual waiver fee.

Ms. Fitzpatrick noted the proposal in the Parking Committee Guidelines includes an increased fee of \$35 from \$25.

Motion by Mr. Bulian that the Board vote to approve and sign Notice of Traffic Regulation, Permit No. P15-09-21.

Second: Mr. Borrelli. Unanimously approved 5-0.

Motion by Mr. Bulian that the Board vote to approve and sign Notice of Traffic Regulation, Permit No. P15-09-21a.

Second: Mr. Borrelli. Unanimously approved 5-0.

Motion by Mr. Bulian that the Board vote to approve the Parking Committee Guidelines for the Annual Waiver of Overnight Parking Ban dated 9/21/2015.

Second: Mr. Borrelli. Unanimously approved 5-0.

7:35 p.m.

Town Manager:

Kate Fitzpatrick, Town Manager appeared before the Board with two items to discuss:

1. Close Special Town Meeting Warrant

Ms. Fitzpatrick asked the Board to close the Special Town Meeting Warrant subject to minor technical corrections. She also asked the Board to vote on removal of the capital articles that are deemed unnecessary after the School Committee votes its preferred site selection for the Hillside School Project.

Ms. Fitzpatrick noted representatives of the Planning Board will appear before the Board in October to discuss the zoning articles, and representatives of the Community Preservation Committee and Housing Authority will discuss the Seabeds Way project. She said representatives of the PPBC will appear before the Board to discuss the vote of the School Committee on the Hillside School project, as well as the change in the financing for the solar project.

Motion by Mr. Bulian that the Board vote to close the warrant for the November 2, 2015 Special Town Meeting, subject to minor technical corrections to be made by the Town Manager, Town Counsel and Bond Counsel, and further subject to removal of capital articles deemed unnecessary after the School Committee votes its preferred site selection(s) for the Hillside School project.

Second: Ms. Cooley. Unanimously approved 5-0.

2. Town Manager Report

Ms. Fitzpatrick reported the Department of Public Health received a \$625,000 federal grant to continue the work it is doing on youth substance abuse. She thanked Tim McDonald, Director of Public Health for his work in securing the grant.

7:45 p.m.

Board Discussion:

1. Potential Property Acquisition

Mr. Handel said acquiring the Owens Poultry Farm property will require a significant expenditure and discussion is about what the Board of Selectmen believes to be the best means of funding the capital need. He said the Board concluded the acquisition can either be funded through the levy or by capital override. He asked for Board comment, noting the override option would require a special election on December 1, 2015.

Mr. Bulian said he favors an override to acquire the land. He said if the School Committee decides to use the land for the purpose of a school, then the land and construction of the school are candidates for a debt exclusion. He commented taking a large amount of money from the debt capacity within the levy would squeeze out other much needed capital items.

Mr. Borrelli concurred with Mr. Bulian. He commented that in negotiating the best deal, land is extremely expensive. He said the cost of the land can not fit into the levy without squeezing out other planned projects. Mr. Borrelli said it is a historic opportunity for the Town to purchase a 10 acre parcel, and an extraordinary

expense. He agreed the only way to make the purchase is through a debt exclusion override. He noted it is tough to ask the community, but critical and essential.

Ms. Cooley agreed with Mr. Bulian and Mr. Borrelli. She said purchases of this size, under the current structure, should be made through an override. She said citizens have an opportunity to vote on it and also see the tax expense “go away” once it is paid. Ms. Cooley said the opportunity is unique in that it will give the Town more flexibility to do the right thing in rebuilding the Hillside School and benefits everyone.

Mr. Matthews said much has happened over the last few months in terms of the opportunity to purchase the Owens property and possible other parcels. He said analysis of the purchase, negotiation, and the work of the School Department, some of which remains confidential, yet includes the issue of funding the purchase. He asked Ms. Fitzpatrick if she had anything else to add to the discussion.

Ms. Fitzpatrick said the Town’s capital plan is set annually for the next 5 years and there are many capital needs, commenting analysis of the acquisition will show the affect on the capital plan and that there is no doubt the acquisition will crowd out projects already contemplated and set as priorities by the Board of Selectmen.

Mr. Matthews said the opportunity to acquire the land and other parcels is at a fair price to build a new school. He said it is a significant opportunity, even if the decision was made not to build a school on the property at this time. He said he is fully in favor of purchasing the land and taking the recommendation to Town Meeting. He concurred with the Town Manager that many projects need to be done in the coming years, which have already been carefully planned. He said the ability of the Town to pay for capital projects within the levy force other projects to be deferred or to an override. He said the decision should be made for an override on this project. He concluded he agrees with the Town Manager and the Board that it makes sense to buy the property, take it to Town Meeting to ask for approval, and to use override bond funding if voters agree.

Mr. Handel agreed, and said the site is preferred based on discussions where to relocate the Hillside School. He said it makes sense to pay for the project through a capital override so other projects are not crowded out. He noted complete consensus by the Board.

2. Committee Reports

No Committee Reports have been made.

7:50 p.m. Executive Session (Exceptions 2, 3, and 6):

Motion by Mr. Bulian that the Board of Selectmen vote to enter into Executive Session.

Exception 2 - To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel.

Exception 3 - To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares.

Exception 6 - To consider the purchase, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Not to return to open session prior to adjournment.

Second: Mr. Borrelli. Mr. Handel polled the Board. Unanimously approved 5-0.

A list of all documents used at this Board of Selectmen meeting are available at:

<http://www.needhamma.gov/Archive.aspx?AMID=99&Type=&ADID=>

Note: Meeting adjourned at 8:25 p.m.